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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,419	03/01/2002	Dieter Dohring	616.95USWO	2940
23552	7590	08/09/2006	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			WATKINS III, WILLIAM P	
			ART UNIT	PAPER NUMBER
			1772	

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/980,419

Applicant(s)

DOHRING ET AL.

Examiner

William P. Watkins III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,6-10,19,20,22-25,35 and 36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3, 6-10, 19, 20, 22-25, 35 and 36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 30 May 2006 has been entered.

2. The new matter rejection given in section 1 of the detailed portion of the office action mailed 30 November 2005 is withdrawn in view of applicant's claim amendments filed 30 May 2006.

3. Claims 35-36, 22-25, 19-20, 6-10 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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The phrase "dispersion of mixture" in line 3 of claim 35 is unclear in meaning. There is no antecedent basis for "the at least one color pigment" in claim 6.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 35-36, 22-25, 19-20, 6-10 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaisle et al. (U.S. 4,473,613) in view of applicant's admission of the state of the art at page 1, lines 15-20 further in view of Koutitonsky et al. (U.S. 5,753,078) and Scher et al. (U.S. 4,093,766)..

Jaisle et al. teach the formation of a decorative laminate using an acrylic resin and a melamine resin and abrasive particles (col. 2, lines 55-65), that are impregnated into the décor sheet of a core (carrier) and décor sheet laminate by a dip and squeeze treater and other means (col. 4, lines 5-15, col. 5, lines 20-35). The weight of the paper in the décor

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sheet can be between 16 and 160 grams per square meter (col. 4, lines 35-40). Applicant admits that tiles are formed by decorative overlays on core or carrier layers and that counter pull layers are conventional to counter balance the decorative décor layer. Koutitonsky et al. teaches the impregnation of a paper with a saturant by the use of a size press that has two rollers that transfer a coating material to a paper that passes through a nip between the two rollers. The pressure of the nip and amount of coating being adjustable to allow for saturation or impregnation of the paper with the coating material. The coating material being distributed on the rollers by the use of a doctor blade (col. 1, lines 15-45). Scher et al. teaches the use of a impregnation resin to carry a pigment into a décor paper in order to allow for variation in the degree of pigment level in the paper (col. 4, lines 30-50).

The instant invention claims an acrylate resin impregnated and pressed into a décor layer, which is used to form a tile laminate with the paper having a weight between 15 and 60 grams per square meter. The instant invention claims further claims the use of rollers to transfer and press a coating to a paper used as décor sheet in a tile, the resin impregnating the paper and carrying a pigment into the paper.

It would have been obvious to one of ordinary skill of the art to have added a counter pull layer to the core and décor layer of Jaisle et al. in order to stabilize the decorative laminate in view of applicant's admission. It further would have been obvious to select a paper weight in the lower range of the 16 to 160 gram range taught by the reference and impregnate it with up to 30 to 45 weight percent of resin based on the weight of the paper because of the teachings of the reference to impregnate with that amount of resin (col.4, lines 60-65, col. 4, lines 10-15). A 16 gram per square meter paper impregnated with 30 weight percent resin based on the weight of the paper would yield an impregnated paper of about 21-22 grams per square meter. This would be within applicant's argued claim limitation of 15 to 60 grams per meter of paper. It still further would have been obvious to one of ordinary skill in the art to have impregnated the acrylic coating of Jaisle et al. as modified above using nip coating rollers in order to provide good control of the amount of coating because of the teachings of Koutitonsky et al. It further would have been obvious to have added pigment to the resin of Jaisle et al. as modified above in order to have control of the degree of pigmentation because of the teachings of Scher et al.

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6. Applicant's arguments filed 30 May 2006 have been fully considered but they are not persuasive.

Applicant argues that Koutitonsky et al. is not from the same art as Jaisle et al. and therefore cannot be combined. The examiner disagrees. Koutitonsky et al. is directed to paper as is Jaisle et al. The fact that paperboard is taught does not detract from the teaching of using paper. The rollers of Koutitonsky et al. press the resin into the paper and meet the pressing limitation of the instant claim. Jaisle et al. teaches the use of a number of different coating and impregnating steps (col. 4, lines 5-15) and one of ordinary skill in the art would seek to use the impregnation process of Koutitonsky et al. in Jaisle et al. when good control of the impregnation is desired.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Watkins III whose telephone number is 571-272-1503. The examiner works an increased flex time schedule, but can normally be reached Monday through Friday, 11:30 A.M. through 8:00 P.M. Eastern Time. The examiner returns all calls within one business day unless an extended absence is noted on his voice mail greeting.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WW/ww

August 7, 2006



WILLIAM P. WATKINS
PRIMARY EXAMINER